

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CONTINENTAL WOODCRAFT, INC.,
v.
SILVA'S EXPRESS, INC.,
Defendant.

CIVIL ACTION
NO.

-04-40209

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the District of Massachusetts:

1. The Petitioner, Silva's Express, Inc. ("Silva's"), respectfully shows, upon information and belief, that it is the named defendant in the above-entitled civil action brought by the plaintiff, Continental Woodcraft, Inc. ("Continental"), which is now pending in the Middlesex Superior Court Department, Middlesex County Massachusetts, Civil Action No. 2004-03672-L (the "Civil Action").

2. On or about September 20, 2004, the Civil Action was commenced in the aforesaid Middlesex Superior Court Department, and Petitioner was served with the Summons, Complaint, Jury Demand, Cover Sheet and Tracking Order, **Exhibit A** hereto, in the Civil Action on September 27, 2004, as shown on the Summons.

3. Upon information and belief, no further proceedings have been had in the Civil Action, and the time of Petitioner within which to file a notice of removal has not expired.

FILING FEE PAID:

RECEIPT # 50.00
AMOUNT \$ 50.00
BY DPTY CLK XTH
DATE 10/18/04

4. **Jurisdiction**. Based on the allegations contained in the Complaint, this is a civil suit which may be removed to this Court pursuant to 28 U.S.C. §§ 1331, 1337(a) and 1441 in that Plaintiff, Continental, alleges a claim involving an Act of Congress regulating commerce, to wit: a claim in excess of \$10,000, exclusive of costs, for loss or damage to a shipment of property allegedly transported by Petitioner in interstate commerce from Worcester, Massachusetts to Charlotte, North Carolina on or about February 2004. Complaint, ¶¶ 4-5. Therefore, the Carmack Amendment to the ICC Termination Act of 1995 (“ICCTA”), 49 U.S.C. § 14706, governs Plaintiff’s claims for loss or damage to the subject shipment. The amount of damages claimed by Plaintiff is \$47,972.00. See Complaint ¶ 6. The action is therefore removable pursuant to 28 U.S.C. §§ 1331, 1337(a) and 1441.

Pursuant to 28 U.S.C. § 1441(a), this action is one that may be removed by petitioner to this Court.

5. **Venue**. Petitioner desires to remove this action to the district court of the United States for the district in which it is now pending, to wit, the District of Massachusetts. 28 U.S.C. § 1446(a).

6. After the filing of this Notice of Removal with the United States District Court for the District of Massachusetts, (a) written notice of the filing of this Notice of Removal will be given by the attorney for Petitioner to Plaintiff as provided by law, (b) a certified copy of this notice will be filed with the Clerk of the Middlesex Superior Court Department, Lowell, Massachusetts, and (c) certified copies of all pleadings on file in said Middlesex Superior Court Department will be filed with this Court.

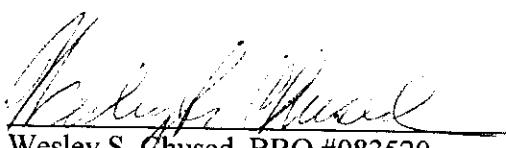
7. Petitioner has a good and sufficient defense to Plaintiff’s claims in this action.

8. No previous application for the relief sought herein has been made to this or any other court.

WHEREFORE, Petitioner Silva's Express, Inc. prays that this action be removed from the Middlesex Superior Court Department, Lowell, Massachusetts, to the United States District Court for the District of Massachusetts.

SILVA'S EXPRESS, INC.
By its attorney,

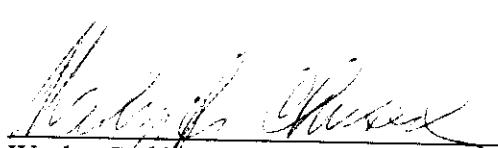
October 15, 2004

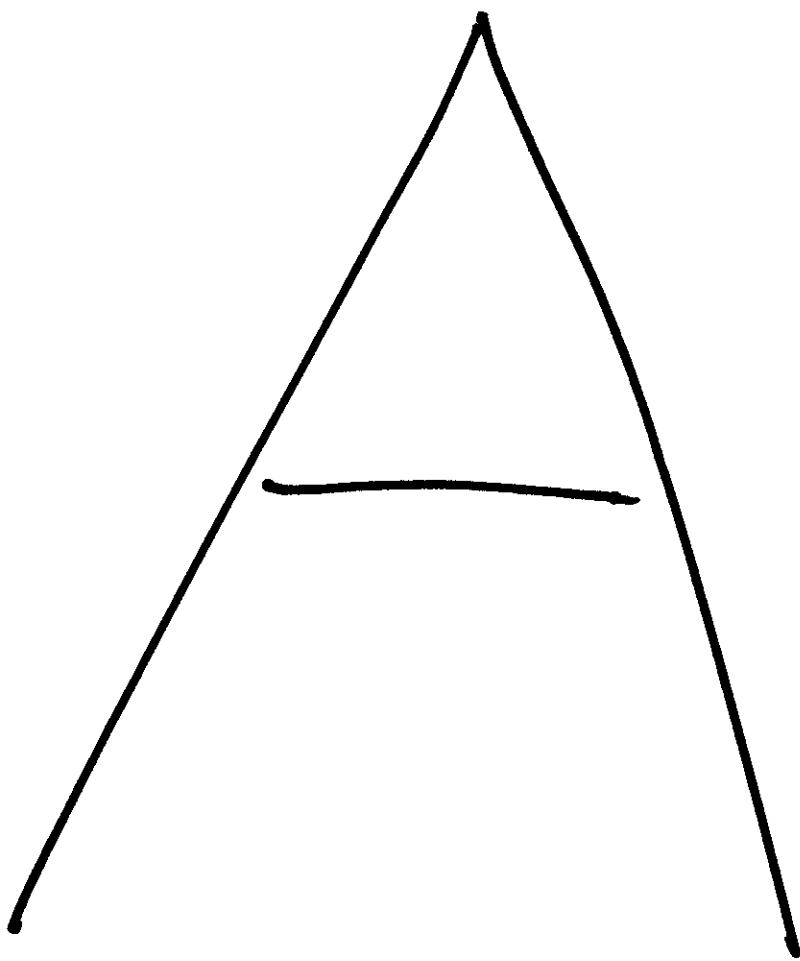

Wesley S. Chused, BBO #083520
LOONEY & GROSSMAN LLP
101 Arch Street
Boston, MA 02110
(617) 951-2800

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2004, I served a copy of the foregoing **NOTICE OF REMOVAL** upon all parties hereto electronically or via facsimile or by mailing copies thereof, via first-class mail, postage prepaid, properly addressed to:

Thomas C. O'Keefe III, Esq.
180 West Central Street
Natick, MA 01760


Wesley S. Chused



FROM : JUDI
09/20/2004 23:00 FAX

FAX NO. :7816210931

RON COLEMAN

P. 28 2004 02:35PM P2

002/014

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED:
— TORT — MOTOR VEHICLE TORT — CONTRACT —
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX ss
(Seal)

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION
No. 04-3672

TRUE COPY ATTEST
G. Keefe
DEPUTY SHERIFF
Middlesex County

Continental Woodcraft, Plaintiff(s)
Inc.

v.

Silva's Express, Inc., Defendant(s)

DATE OF SERVICE
9/27/04

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon G. Keefe & Gale.....

..... plaintiff's attorney, whose address is

160 Central St., Natick, MA 01760, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at

..... either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state all a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Robert A. Malligan, Esquire, at
the 20th day of September
..... in the year of our Lord, Two Thousand Four.

Edward J. Sullivan
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is (are) sued, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

FROM :JUDI
607401/EV61 40.00 FRA

RON COLEMAN 8/2004
FAX NO. :7818210931

RON COLEMAN 8/2004

P. 28 2004 02:36PM P3

00037412

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Continental Woodcraft, Inc.

v/s.

Silva's Express, Inc.

*Superior Court @ Lowell
CIVIL ACTION NO.
04-3672*

COMPLAINT

PARTIES

1. The Plaintiff is Continental Woodcraft, Inc., a Massachusetts business corporation with a usual place of business at 181 Greatwood Street, Worcester, MA, 01607 and the Defendant is Silva's Express, Inc., a Massachusetts business corporation with a usual place of business at 75 Phoenix Avenue, Lowell, MA, 01852.

COUNT ONE

2. The Plaintiff says that at all times relevant it was in the business of manufacturing wood and/or metal retail store fixtures.
3. That at all times relevant the Defendant was in the business of transporting goods as a common carrier.
4. That on or about February, 2004, the Defendant undertook to transport a certain load of wood and metal fixtures from the Plaintiff's place of business in Worcester to Kiehl's Department Store in Charlotte, North Carolina.
5. That the Plaintiff says that on or before February 16, 2004 its agents, servants and/or employees so negligently transported and/or controlled said load and/or so carelessly and negligently operated its motor vehicle so as to cause the said load to be damaged.
6. That as a result thereof the goods in said load were broken and damaged to the amount of \$47,972.00.

WHEREFORE, THE PLAINTIFF RESPECTFULLY DEMANDS JUDGMENT UNDER COUNT ONE TOGETHER WITH INTEREST AND COSTS THEREON.

COUNT TWO

7. The Plaintiff repeats and incorporates herein all the allegations contained in paragraphs (1)-(4) above.
8. The Plaintiff says that the Defendant warranted that it would perform its work in a good and workmanlike manner.
9. That the Defendant did not perform its work in a good and workmanlike manner and breached its warranty.
10. That as a result thereof the goods in said load were broken and damaged to the amount of \$47,972.00.

WHEREFORE, THE PLAINTIFF RESPECTFULLY DEMANDS JUDGMENT UNDER COUNT TWO TOGETHER WITH INTEREST AND COSTS THEREON.

Dated this 16 day of September, 2004.

By Plaintiff's Attorney,


O'Keefe & Gale
180 West Central Street
Natick, MA 01760
(508)655-0000
(BB#378185-TOOK)
(OFF# MT-04-2)
(YR# 99654-V4)

JURY DEMAND

Plaintiff hereby respectfully demands a trial by jury.

Dated this 16 day of September, 2004.

By the Plaintiff's Attorneys:


O'Keefe & Gale
180 West Central Street
Natick, MA 01760
(508)655-0000

FROM: JUDI
09/20/2007 23:01 FAX

FAX NO. :7816210931

SP. 26 2004 02:36PM PS

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

*Superior Court @ Lowell
CIVIL ACTION NO.*

04-3672

Continental Woodcraft, Inc.

vs.

Skew's Express, Inc.

JURY DEMAND

The Plaintiff hereby respectfully demands a trial by jury in either or both Superior Court or District Court.

Dated this 10 day of September, 2004.

By the Plaintiff's Attorneys:



O'Keefe & Gale
180 West Central Street
Natick, MA 01760
(508)655-0000

FROM : JUDI
09/20/2007 23:01 FAX

FAX NO. : 7818210931

2004 02:37PM PG

CIVIL ACTION COVER SHEET

Trial Court of Massachusetts
SUPERIOR COURT DEPARTMENT
County: Middlesex

Docket Number

04-36072

PLAINTIFF(S) Continental Woodcraft, Inc.

DEFENDANT(S) Silva's Express, Inc.

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE
O'Keefe & Ogle, 180 West Central Street, Natick
MA, 01760 (508)-655-0000 (OFF/INT-04-2)
Board of Bar Overseers number: 378185

ATTORNEY (if known)

Place an 'x' in one box only:

Origin code and track designation

1. FD1 Original Complaint
 2. FD2 Removal to Sup.Ct. C. 231, s.104 (Before trial)
 3. FD3 Retransfer to Sup.Ct. C.231,s.102C (F) 4. FD4 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
 5. FD5 Reactivated after rescript/re lief from judgment
 Order (Mass.R.Civ.P. 80)
 6. ET12 Summary Process Appeal

CODE NO.

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)
Personal injury/property damage TRACK IS THIS A JURY CASE?
B04 other (specify) (F) (X) Yes () No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or triple damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date: \$.....
 1. Total hospital expenses \$.....
 2. Total Doctor expenses \$.....
 3. Total chiropractic expenses \$.....
 4. Total physical therapy expenses \$.....
 5. Total other expenses (describe) \$.....

B. Documented lost wages and compensation to date \$.....
 C. Documented property damages to date \$.....
 D. Reasonably anticipated future medical and hospital expenses \$47,972.00
 E. Reasonably anticipated lost wages \$.....
 F. Other documented items of damages (describe) \$.....

G. Brief description of plaintiff's injury, including nature and extent of injury (describe) \$.....

TOTAL: \$47,972.00

CONTRACT CLAIMS

(Attach additional sheets as necessary)

TOTAL \$.....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods.

Signature of Attorney of Record

A.O.S.C. 2003

DATE

9/16/04

FROM : JUDI
09/26/2007 19:24 FAX

FAX NO. : 7818210931

08 2004 02:17PM P3

MT-U4-2

Commonwealth of Massachusetts
County of Middlesex
The Superior Court

CIVIL DOCKET # MCV2004-03672-L

RE: Continental Woodcraft, Inc. v Silva's Express, Inc.

TO: Thomas C O'Keefe III, Esquire
O'Keefe & Gale
180 West Central Street
Natick, MA 01760

TRACKING ORDER - E TRACK

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

<u>STAGES OF LITIGATION</u>	<u>DEADLINE</u>
Service of process made and return filed with the Court	12/19/2004
Response to the complaint filed (also see MRCP 12)	02/17/2005
All motions under MRCP 12, 19, and 20 filed	02/17/2005
All motions under MRCP 15 filed	02/17/2005
All discovery requests and depositions completed	07/17/2005
All motions under MRCP 56 served and heard	08/16/2005
Final pre-trial conference held and/or firm trial date set	09/15/2005
Case disposed	11/14/2005

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.
Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to session "L" sitting in Cv Crim (Lowell) Middlesex Superior Court.

Dated: 09/21/2004

Edward J. Sullivan
Clerk of the Court

Location: Cv Crim (Lowell)
Telephone: 878-453-0201

BY: Michael Brennan
Assistant Clerk

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 729-8120

FAXED

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Continental Woodcraft, Inc.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF 25027
(EXCEPT IN U.S. PLAINTIFF CASES)**DEFENDANTS**

Silva's Express, Inc.

04-40209COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT 25017

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)Thomas C. O'Keefe, III, Esq., BBO No. 378185
180 West Central Street
Natick, MA 01760 Tel: (508) 655-000

ATTORNEYS (IF KNOWN)

Wesley S. Chused, Esq., BBO #083520
Looney & Grossman LLP, 101 Arch Street
Boston, MA 02110 Tel: (617) 951-2800**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	Transferred from <input type="checkbox"/> 5 another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	Appeal to District Judge from <input type="checkbox"/> 7 Magistrate Judgment
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V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury – Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury – Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 620 Copyrights	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 630 Patent	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 Trademark	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 185 Contract Product Liability	<input type="checkbox"/> 380 Other Personal Injury		<input type="checkbox"/> 810 Selective Service	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	HABEAS CORPUS:	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 895 Freedom of Information Act	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
			<input type="checkbox"/> 950 Constitutionality of State Statutes	
			<input type="checkbox"/> 990 Other Statutory Actions	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS – Third Party 26 USC 7809	

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Action for interstate freight damage. 49 U.S.C. 14706

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ 47,972.

CHECK YES only if demanded in complaint:

JURY DEMAND: YES NO**VIII. RELATED CASE(S)** (See instructions):
IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

October 15, 2004

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Continental Woodcraft, Inc. v. Silva's Express, Inc. 101-10-57

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 670, 690, 810, 861-865, 870, 871, 875, 900. 04-40209

V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.
N/A

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
XXX NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)
XXX YES NO
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?
XXX YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).
XXX YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?
EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?
XXX EASTERN DIVISION CENTRAL DIVISION XXX WESTERN DIVISION

(PLEASE TYPE OR PRINT)
ATTORNEY'S NAME Wesley S. Chused
ADDRESS Looney & Grossman LLP, 101 Arch Street, Boston, MA 02110
TELEPHONE NO. (617) 951-2800